

The actions delineated below were taken in open session of the EPSB at the June 16, 2003 regular meeting. This information is provided in summary form; an official record of the meeting is available on tape in the permanent records of the EPSB, 1024 Capital Center Drive, Suite 225, Frankfort, KY 40601.

**Education Professional Standards Board (EPSB)
Summary Minutes of the Business Meeting
Kentucky Higher Education Assistance Authority Building
Frankfort, Kentucky
June 16, 2003**

Members Present:

Jim Applegate
Doris Barlow
Wally Campbell
Lydia Coffey
Kristin Gregory
Arthur Green
Penny Robinson
Jack Rose
Tom Stull
Ellie Thompson
Mark Wasicsko
Joe Welch

Members Absent:

Eugene Binion
Joy Gray
Gene Wilhoit

Minutes

Call to Order

Chair Lydia Coffey called the meeting to order at 9:00 AM EST.

Amendment of Agenda

Motion made by Dr. Jack Rose, seconded by Dr. Doris Barlow to amend the meeting agenda, adding Temporary Suspension of French and Spanish Productive Language PRAXIS Exams and waiver requests for (1) Mr. Michael Bayless—16 KAR 6:010, Section 4, Assessments for Special Education Certification and (2) Ms. Rebecca E. Olivo—16 KAR 3:060, Section 1 (2)(c), Required Experience for Guidance Counselor Certification.

Vote: Unanimous

Approval of Minutes

Motion made by Ms. Kristin Gregory, seconded by Ms. Penny Robinson, to approve the minutes of the May 19, 2003 EPSB meeting.

Vote: Unanimous

Open Speak

No requests were made for Open Speak.

Report of the Executive Director and Staff

Dr. Susan Leib announced the retirement of Ms. Janet Banta, Director, Division of Certification, effective July 31, 2003 after 37 years of service in state government. Mr. Robert Brown was introduced as the new program manager in the Division of Testing, Research, and Internship, and Ms. Carol Catalfo was introduced as the new attorney in the Division of Legal Services and Public Relations.

Dr. Leib informed the board that, as the board had requested, she had contacted the Council on Postsecondary Education, Department of Education, and the Association of Independent Kentucky Colleges and Universities regarding the 2003-04 schedule of EPSB meetings and possible conflicts. None of the agencies responded.

Ms. Brenda Allen reported to the board that the Kentucky Supreme Court denied hearing an appeal in the case of Mr. George Thompson and Ms. Sue Gambrel vs. the EPSB. This upheld the Court of Appeals decision in favor of the EPSB.

Dr. Russ Wall was introduced as the new interim dean of the College of Education at Murray State University. Dr. Leib congratulated Murray State University's Pre-Service Teacher Education Program, which was selected by the International Society for Technology in Education for a National Educational Technology Standards Distinguished Achievement Award.

Dr. Leib reviewed with board members the following items:

- draft agenda for the annual EPSB retreat
- “Highly Qualified Teacher” document pursuant to the federal No Child Left Behind Act of 2001
- additional waiver information on Mr. Gerry Upchurch
- revised and newly approved EPSB policies on Approval of Alternative Route to Certification Programs and Recognition of Institutional Accrediting Agencies
- *Kentucky Teacher*

Report of the Chair

Ms. Coffey presented Dr. Rose with a plaque of appreciation for his service to the board. Dr. Barlow presented Dr. Marilyn Troupe, Director, Division of Educator Preparation, with a Certificate of Appreciation for her work, especially with the recent Board of Examiner’s training.

Full Board Information Items

Technology Committee Report

At the March 2003 meeting, the board chair appointed a Technology Standard Committee to develop a technology standard for administrators. The committee met and reviewed national standards as well as standards developed by the Kentucky Department of Education and the Commonwealth Collaborative for School Leadership Preparation. The Technology Standard Committee is recommending that the *Technology Standards for School Administrators* (TSSA) be adopted by the EPSB. Adoption of the TSSA is in keeping with the board’s policy of using

national standards when they exist. Staff will bring this item to the August 2003 meeting as an action item.

Full Board Action Items

Accreditation Reports

Eastern Kentucky University

2003-59 *Motion made by Dr. Barlow, seconded by Ms. Gregory, to accept the recommendations of the Accreditation Auditing Committee (ACC) and grant Continuing Accreditation to Eastern Kentucky University (EKU).*

Vote: Yes - 10
Abstain - 1 (*Dr. Mark Wasicsko*)

2003-60 *Motion made by Ms. Ellie Thompson, seconded by Dr. Wally Campbell, to accept the recommendations of the AAC and approve the initial and advanced level educator preparation programs at EKU.*

Vote: Yes - 10
Abstain - 1 (*Dr. Wasicsko*)

Murray State University

2003-61 *Motion made by Dr. Wasicsko, seconded by Ms. Gregory, to accept the recommendations of the Accreditation Auditing Committee (ACC) and grant Continuing Accreditation to Murray State University (MuSU).*

Vote: Yes - 10
Abstain - 1 (*Dr. Rose*)

2003-62 *Motion made by Ms. Thompson, seconded by Dr. Campbell, to accept the recommendations of the AAC and approve the initial and advanced level educator preparation programs at MuSU.*

Vote: Yes - 10
Abstain - 1 (*Dr. Rose*)

Jefferson County Public Schools (JCPS) Alternative Certification Elementary and Secondary (ACES) Program

2003-63 *Motion made by Dr. Rose, seconded by Dr. Wasicsko, to approve the Board of Examiner's recommendation for continued approval of the JCPS's ACES program.*

Vote: Unanimous

Motion made by Ms. Thompson, seconded by Dr. Wasicsko, to place the JCPS's ACES program on a three-year accreditation cycle.

Vote: Yes - 2

No - 9 (*Dr. Jim Applegate, Dr. Barlow, Dr. Campbell, Ms. Gregory, Mr. Arthur Green, Ms. Robinson, Dr. Rose, Mr. Tom Stull Mr. Joe Welch*)

Motion failed.

2003-64 *Motion made by Dr. Rose, seconded by Dr. Wasicsko, to place the JCPS's ACES program on a five-year accreditation cycle.*

Vote: Unanimous

Awarding of Model Teacher Program Grants

2003-65 *Motion made by Dr. Rose, seconded by Ms. Robinson, to award \$2 million for the Teacher Education Model Program to ECU with the understanding that after ECU takes out administrative costs, the remaining monies will be distributed proportionately, based on the number of program completers, to both public and private institutions that support the goals and initiatives delineated in ECU's proposals to create a model program statewide.*

Vote: Yes - 10

Abstain - 1 (*Dr. Wasicsko*)

Temporary Suspension of French and Spanish Productive Language PRAXIS Exams

2003-66 *Motion made by Dr. Rose, seconded by Ms. Gregory, to temporarily suspend the French Productive Language Skills (0171) and Spanish Productive Language Skills (0192) PRAXIS exams until questions related to reliability can be reviewed.*

Vote: Unanimous

Definition of "Highly Qualified" Teachers and HOUSSE Pursuant to the No Child Left Behind (NCLB) Act of 2001

At its January 2003 meeting, the EPSB adopted a revised version of its definition of "highly qualified" teacher (originally adopted in November 2002), which reflected new directives from the United States Department of Education. Upon adoption of the third version of this document, which now includes the Kentucky HOUSSE and walk-through instrument, staff will begin distributing it statewide at regional cooperative meetings as well as posting it to the EPSB web site.

Dr. Applegate complimented staff on its efforts to accommodate the NCLB Act. Additionally, Dr. Applegate stated:

I have been struck by the degree to which this particular effort at the federal level was vaguely conceived at its outset, chaotically implemented, and constitutes a large, unfunded mandates on the states at a time when we are experiencing record stresses on our resources. Worse than simply a public relations move, it seems to me that in the discussions, and this is not to criticize any of the discussions we had to accommodate this, but I have very seldom seen anything in the discussions that seemed to be forwarding our

state's agenda to improve teacher quality and student learning. It has been more a matter of devoting enormous time and resources to accommodate in a variety of ways to confusing definitions, changing definitions, and somewhere in all of this, teachers and students just seem to be somewhere blurred behind. So it's a distraction from the things that we ought to be focusing on.

- 2003-67** *Motion made by Ms. Gregory, seconded by Ms. Robinson, to approve the third version of the definition of "Highly Qualified Teacher" and the Kentucky HOUSSE, with minor revisions as recommended by staff.*

Vote: Unanimous

16 KAR 7:010, Kentucky Teacher Internship Program, Notice of Intent and Final Approval

- 2003-68** *Motion made by Dr. Wasicsko, seconded by Dr. Applegate, to approve 16 KAR 7:010, Kentucky Teacher Internship Program, Notice of Intent and Final Approval.*

Vote: Unanimous

16 KAR 1:040, Teachers' National Certification Incentive Trust Fund, Notice of Intent and Final Approval

- 2003-69** *Motion made by Dr. Barlow, seconded by Dr. Campbell, to modify and approve 16 KAR 1:040, Teachers' National Certification Incentive Trust Fund, Notice of Intent and Final Approval, adding third year candidates to receive up to 75 percent reimbursement of the certification fee.*

Vote: Unanimous

National Board for Professional Teaching Standards (NBPTS) Mentoring Program Applications for 2003-04

- 2003-70** *Motion made by Ms. Thompson, seconded by Ms. Gregory, to approve the applications of Breckenridge County Schools, Badgett Regional Cooperative, Boone County Schools, Bourbon County Schools, Bowling Green Independent Schools, Fayette County Schools, Hardin County Schools, Jefferson County Schools, Jessamine County Schools, Logan County Schools, Metcalfe County Schools, Muhlenberg County Schools, Nelson County Schools, Northern Kentucky Cooperative, Oldham County Schools, Ohio Valley Education Cooperative, Scott County Schools, Warren County Schools, and West Kentucky Education Cooperative for the mentoring program utilizing NBPTS-certified teachers.*

Vote: 9 Yes
1 Abstain (Mr. Stull)

16 KAR 6:030, Examination Prerequisites for Principal Certification, Notice of Intent and Final Approval

2003-71 *Motion made by Dr. Wasicsko, seconded by Ms. Robinson, to approve 16 KAR 6:030, Examination Prerequisites for Principal Certification, Notice of Intent and Final Approval.*

Vote: Unanimous

Program Approvals

2003-72 *Motion made by Ms. Gregory, seconded by Ms. Robinson, to approve the certification program in agriculture, grades 5-12 (bachelor's level), at EKU.*

Vote: Yes - 9
Recuse - 1 (Dr. Wasicsko)

2003-73 *Motion made by Dr. Barlow, seconded by Ms. Thompson, to approve the certification programs in chemistry, grades 8-12 (bachelor's level) and health, grades P-12 (bachelor's level), at Kentucky Wesleyan College.*

Vote: Unanimous

2003-74 *Motion made by Dr. Campbell, seconded by Dr. Wasicsko, to approve the certification programs in chemistry, grades 8-12 (bachelor's level); earth and space science, grades 8-12 (bachelor's level); physics, grades 8-12 (bachelor's level); and theatre, grades P-12 (bachelor's level), at Morehead State University.*

Vote: Unanimous

2003-75 *Motion made by Ms. Gregory, seconded by Ms. Robinson, to approve the certification programs in chemistry, grades 8-12 (bachelor's level); physics, grades 8-12 (bachelor's level); speech/media communications, grades 8-12 (bachelor's level); theatre, grades P-12 (bachelor's level); and instructional computer technology endorsement, grades P-12 (bachelor's level), at Thomas More College.*

Vote: Unanimous

2003-76 *Motion made by Dr. Campbell, seconded by Ms. Thompson, to approve the certification program in mathematics, grades 8-12 (bachelor's level), at Lindsey Wilson College.*

Vote: Unanimous

2003-77 *Motion made by Dr. Barlow, seconded by Ms. Gregory, to approve the certification program in English as a Second Language, grades P-12 (Master's Level and Rank I), at Georgetown College.*

Vote: Unanimous

2003-78 *Motion made by Ms. Robinson, seconded by Ms. Gregory, to approve the alternative route to certification proposal submitted by the University of Louisville.*

Vote: Unanimous

Alternative Route to Certification Applications

2003-79 *Motion made by Dr. Wasicsko, seconded by Ms. Gregory, to approve the application for adjunct instructor certification in French, grades 9-12, for Ms. Marie France Cook.*

Vote: Unanimous

2003-80 *Motion made by Ms. Gregory, seconded by Dr. Wasicsko, to approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching agriculture, grades 9-12, for Ms. Susan Zoglmann.*

Vote: Unanimous

2003-81 *Motion made by Ms. Thompson, seconded by Dr. Barlow, to (1) approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in business and marketing, grades 9-12 and (2) deny, based on insufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in mathematics, grades 9-12, for Mr. Tom Parker.*

Vote: Unanimous

2003-82 *Motion made by Ms. Gregory, seconded by Mr. Green, to approve, based on sufficient evidence of ten years' exceptional work experience, the application for provisional teaching certification in business and marketing, grades 9-12, for Ms. Ann Royster.*

Vote: Unanimous

Waiver Requests

2003-83 *Motion made by Ms. Robinson, seconded by Ms. Thompson, to approve the request of Ms. Lynnette Cain, to waive 16 KAR 2:060, Renewal Requirements for School Nurse.*

Vote: Unanimous

2003-84 *Motion made by Ms. Thompson, seconded by Dr. Campbell, to deny the request of Mr. Douglas W. Burkhart, to waive 16 KAR 6:010, Section 4, Assessment for Special Education Certification.*

Vote: Yes - 8

No - 2 (Ms. Gregory and Ms. Robinson)

2003-85 *Motion made by Dr. Wasicsko, seconded by Ms. Robinson, to deny the request of Mr. Gerry Upchurch, to waive 16 KAR 8:020, Requirements for Rank II.*

Vote: Unanimous

2003-86 *Motion made by Dr. Wasicsko, seconded by Mr. Welch, to deny the request of Ms. Michael Bayless, to waive 16 KAR 6:010, Section 4, Assessment for Special Education Certification.*

Vote: Yes - 9
No - 1 (Ms. Gregory)

2003-87 *Motion made by Mr. Green, seconded by Mr. Welch, to deny the request of Ms. Rebecca Olivo, to waive 16 KAR 3:060, Section 1 (2)(c), Required Experience for Guidance Counselor Certification. Additionally, the board urges Ms. Olivo to discuss her guidance counselor experience and the alternative routes to certification with a college or university near her.*

Vote: Unanimous

**DISCIPLINARY MATTERS
EPSB MINUTES OF CASE REVIEW
MAY 19, 2003**

Motion made at 12:35 p.m. by Ms. Ellie Thompson, seconded by Ms. Kristin Gregory to go into closed session for purpose of discussing proposed or pending litigation in accordance with KRS 61.801(c)&(j).

Vote: Unanimous

Motion made by Ms. Penny Robinson, seconded by Ms. Gregory to return to open session.

Vote: Unanimous

The following board members concurred with the actions as listed below with the noted exceptions:

Lydia Coffey, Arthur Green, Wally Campbell, Tom Stull, Doris Barlow, Joe Welch, Penny Robinson, Mark Wasicsko, Kristin Gregory, and Ellie Thompson.

Attorneys present were Brenda Dinkins Allen, Cynthia Clay Grohmann, Courtney Baxter and Robert S. Jones.

Initial Case Review

<u>Case Number</u>	<u>Decision</u>
03-0341	Admonish

03-0343	Dismiss Without Prejudice
03-0346	Admonish
03-0455	Dismiss
03-0351	Dismiss
03-0459	Admonish
03-0353	Dismiss
03-0567	Dismiss Without Prejudice
03-0352	Hear
03-0458	Defer
03-0456	Hear
03-0354	Dismiss Without Prejudice
03-0349	Hear
03-0463	Dismiss Without Prejudice
03-0464	Admonish
02-09121	Hear

Character/Fitness Review

<u>Case Number</u>	<u>Decision</u>
03-048	Approve
03-060	Approve
03-061	Approve
03-062	Approve
03-065	Approve
03-066	Deny
03-063	Approve
03-067	Approve
03-068	Approve
03-069	Approve
03-070	Approve
03-071	Approve
03-072	Approve
03-073	Approve

Agreed Orders

<u>Case Number</u>	<u>Decision</u>
03-0122 (Freddie Bobo)	Accept Agreed Order suspending teaching certificate for a period of two years from the date of acceptance of this Order by the Board. Reinstatement of certificate is expressly conditioned upon respondent's providing written evidence to the Board that respondent has successfully completed 12 hours of professional development/training in the areas of ethics and appropriate teacher/student relationships and/or boundary issues, as approved by the Board. Respondent shall provide the Board with a certified copy of the record from Ballard District Court

documenting respondent's compliance with the terms of the diversion agreement and the Court's dismissal of all charges.

Vote: Unanimous

02-0669 (Danny Logsdon)

Accept Agreed Order suspending respondent's certificate, including any and all endorsements, for a period of three months from the date of acceptance of this Order by the Board.

Vote: Unanimous

02-10129 (Aprilea Stroud)

Accept Agreed Order suspending respondent's certificate for nine months, beginning October 9, 2002. This settlement agreement is expressly conditioned upon respondent's providing written evidence to the Board, on or before July 31, 2003, that respondent has completed 12 hours of professional development/training in the areas of sexual harassment, ethics, and appropriate teacher/student relationships, as approved by the Board. Should respondent fail to satisfy this condition, this settlement agreement shall be deemed null and void, and agency case number 02-10129 reopened.

Vote: Unanimous

02-11141 (Lloyd Settle)

Accept Agreed Order revoking respondent's certificate. Respondent shall neither apply for nor be issued a teaching certificate in the Commonwealth of Kentucky for a period of seven years from the date of acceptance of this Order by the Board.

Vote: 9 Yes

1 Recuse (*Mr. Green*)

03-0109 (John Cobb)

Accept Agreed Order revoking respondent's certificate. Respondent shall neither apply for nor be issued a teaching certificate in the Commonwealth of Kentucky for a period of five years, beginning January 29, 2003, the date of respondent's resignation from the Grant County School District. The issuance of any future certification to respondent, or on respondent's behalf, is expressly conditioned upon respondent's providing written evidence to the Board that respondent has successfully completed 12 hours of professional development/training, in the areas of ethics and appropriate teacher/student relationships and/or boundary issues, as approved by the Board. Should respondent fail to satisfy this condition, the Board shall deny any application for certification submitted by respondent or on respondent's behalf.

Vote: Unanimous

03-0102 (Ted David Everly)

Accept Agreed Order suspending respondent's certificate for a period of 30 days, beginning July 15, 2003. This settlement agreement is expressly conditioned upon respondent's providing written proof to the Board, on or before July 31, 2003, that respondent has completed 12 hours of professional development/training in the areas of ethics and appropriate teacher/student relationships and/or boundary issues, as approved by the Board. Should respondent fail to satisfy this condition, this agreement shall be deemed null and void and agency case number 03-0102 reopened.

Vote: Unanimous

03-0101 (Ray Haddix)

Accept Agreed Order suspending respondent's certificate for a period of 60 days from the date of acceptance of this agreement by the Board. The reinstatement of respondent's certificate is expressly conditioned upon respondent's providing, at the time of reinstatement, written evidence to the Board that respondent has successfully completed 12 hours of professional development as approved by the Board on July 9 and 10, 2003. Should respondent fail to satisfy this condition, the Board shall not reinstate respondent's certificate.

Vote: Unanimous

02-0334 (Lynn Parman)

Accept Agreed Order suspending respondent's certificate for a period of 30 days from the date of acceptance of this agreement by the Board. Respondent is admonished regarding respondent's conduct as it relates to the handling of the Senior Research Project. Respondent failed in respondent's duty to uphold the dignity and integrity of the profession by allowing a student to circumvent the rules surrounding the Senior Research Project. The Board will not tolerate any further misconduct of this nature.

Vote: Unanimous

02-0332 (Joe Allen)

Accept Agreed Order suspending respondent's certificate for a period of 30 days from the date of acceptance of this agreement by the Board. Respondent is admonished regarding his conduct as it relates to the handling of the Senior Research Project. Respondent failed in respondent's duty to uphold the dignity and integrity of the profession by failing to penalize a student for plagiarizing his work. The Board will not tolerate any further misconduct of this nature.

Vote: Unanimous

02-11140 (Tom Troutman)

Accept Agreed Order suspending respondent's certificate for a period of six months from the date of acceptance of this agreement

by the Board. Reinstatement of respondent's certificate is expressly conditioned upon respondent's providing, at the time of application, written evidence to the Board that respondent has successfully completed 12 hours of professional development in the area of sexual harassment as approved by the Board. Should respondent fail to satisfy this condition, the Board shall not reinstate respondent's certification.

Vote: Unanimous

02-09120 (James A. Hill)

Accept Agreed Order admonishing respondent for his disregard for the safety and well-being of others and the poor judgment respondent displayed by respondent's misuse of alcohol and failure to uphold the dignity and integrity of the profession. Further, respondent is expected not only to respect the health, welfare and safety of others, but also the laws of this Commonwealth. This settlement agreement is expressly conditioned upon respondent's providing written proof to the Board every 12 weeks, beginning no later than July 15, 2003, that respondent is complying with any and all treatment recommendations of both Kathy Dowling and Dave Harmon. Respondent shall continue to provide quarterly written status updates to the Board from Dowling and Harmon until respondent tenders written proof that respondent has complied with any and all treatment recommendations and been released from care. Should respondent fail to satisfy this condition, this Agreed Order shall be deemed null and void and disciplinary action reinstated.

Vote: 9 Yes

1 Recuse (*Ms. Gregory*)

01-0770 (Samuel Gibson)

Accept Agreed Order permanently revoking respondent's certificate for Instructional Leadership—School Superintendent on the date of acceptance of this Order by the Board. The Standard Certificate for Teaching in the Secondary Grades 9-12 (and for Departmentalized Grades 7-8 in Field); Endorsement for Elementary School Physical Education; Endorsement for Teaching Health Education, Grades K-8; Endorsement for Driver Education shall be suspended for a period of six months beginning February 2, 2002.

Vote: Unanimous

00-12270

Reject Agreed Order allowing the voluntary surrender of certificate for a period of two years, beginning September 15, 2001, with reinstatement conditioned upon release from a physician and/or mental health professional.

Vote: 9 Yes

1 Recuse (*Ms. Barlow*)

Motion made by Mr. Green, seconded by Ms. Robinson to adjourn the meeting.

Vote: Unanimous

The meeting adjourned at 1:55 p.m.

Annual Board Retreat: **July 13-15, 2003**
(No Business Conducted) **Holiday Inn**
 Ft. Mitchell, Kentucky

Next Meeting: **August 18, 2003**
 Best Western Hotel
 Frankfort, Kentucky